

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 144

# **HOUSE BILL 2829**

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO QUALIFICATION  
AND REGISTRATION OF ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

7 A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper of  
10 all qualified electors in each precinct in the county, and the lists shall be  
11 the official precinct registers.

12 B. The official precinct registers for use at the polling place shall  
13 contain at least the names in full, party preference, date of registration  
14 and residence address of each qualified elector in the respective  
15 precincts. The names shall be in alphabetical order and, in a column to the  
16 left of the names, shall be numbered consecutively beginning with number 1 in  
17 each precinct register.

18 C. For the purposes of transmitting voter registration information as  
19 prescribed by this subsection, electronic media in counties with a population  
20 over five hundred thousand PERSONS in the last decennial census shall be the  
21 principal media. A county or state chairman who is eligible to receive  
22 copies of precinct lists as prescribed by this subsection may request that  
23 the recorder provide a paper copy of the precinct lists. The county  
24 recorder, in addition to preparing the official precinct lists, shall provide  
25 a means for mechanically or electronically reproducing the precinct lists and  
26 unless otherwise agreed shall deliver within eight days after the close of  
27 registration for the primary and general elections, without charge, on the  
28 same day one electronic media copy of each precinct list within the county to  
29 the county chairman and one electronic media copy to the state chairman of  
30 each party that has at least four candidates other than presidential electors  
31 appearing upon the ballot in that county at the current election. The county  
32 recorder shall also deliver, upon request and without charge, one electronic  
33 media copy of the precinct list to the Arizona legislative council. The  
34 county recorder of a county with a population of five hundred thousand or  
35 fewer persons, on the same day precinct lists are delivered to county  
36 chairmen, shall deliver one electronic media copy of each precinct list  
37 within the county to the state chairman of each party that has at least four  
38 candidates other than presidential electors appearing on the ballot in this  
39 state at the current election. The copies of the precinct lists shall be  
40 electronic media ~~which~~ AND shall include for each elector the following  
41 information:

- 42 1. Name in full and appropriate title.
- 43 2. Party preference.
- 44 3. Date of registration.
- 45 4. Residence address.

- 1           5. Mailing address, if different from residence address.
- 2           6. Zip code.
- 3           7. Telephone number if given.
- 4           8. Birth year.
- 5           9. Occupation if given.
- 6           10. ~~Primary election and general election~~ Voting history for ALL
- 7 ELECTIONS IN the prior four years and any other information regarding
- 8 registered voters which the county recorder or city or town clerk maintains
- 9 electronically and which is public information.

10           D. The names on the precinct lists shall be in alphabetical order and  
11 the precinct lists in their entirety, unless otherwise agreed, shall be  
12 delivered to each county chairman and each state chairman ~~at least quarterly~~  
13 ~~and within ten business days of the close of each quarter~~ DATE FOR COUNTING  
14 REGISTERED VOTERS PRESCRIBED BY SUBSECTION G OF THIS SECTION OTHER THAN THE  
15 PRIMARY AND GENERAL ELECTION REGISTERED VOTER COUNTS in the same format and  
16 media as prescribed by subsection C of this section. DURING THE THIRTY-THREE  
17 DAYS IMMEDIATELY PRECEDING AN ELECTION AND ON REQUEST FROM A COUNTY OR STATE  
18 CHAIRMAN, THE COUNTY RECORDER SHALL PROVIDE A DAILY LIST OF PERSONS WHO HAVE  
19 REQUESTED AN EARLY BALLOT AND SHALL PROVIDE A WEEKLY LISTING OF PERSONS WHO  
20 HAVE RETURNED THEIR EARLY BALLOTS. THE RECORDER SHALL PROVIDE THE DAILY AND  
21 WEEKLY INFORMATION THROUGH THE THIRD DAY PRECEDING THE ELECTION.

22           E. Precinct registers and other lists and information derived from  
23 registration forms may be used only for purposes relating to a political or  
24 political party activity, a political campaign or an election, for revising  
25 election district boundaries or for any other purpose specifically authorized  
26 by law and may not be used for a commercial purpose as defined in section  
27 39-121.03. The sale of registers, lists and information derived from  
28 registration forms to a candidate or a registered political committee for a  
29 use specifically authorized by this subsection does not constitute use for a  
30 commercial purpose. The county recorder, on a request for an authorized use  
31 and within thirty days from receipt of the request, shall prepare additional  
32 copies of an official precinct list and furnish them to any person requesting  
33 them on payment of a fee equal to five cents for each name appearing on the  
34 register for a printed list and ten cents for each name for an electronic  
35 data medium, plus the cost of the blank computer disk or computer software if  
36 furnished by the recorder, for each copy so furnished.

37           F. Any person in possession of a precinct register or list, in whole  
38 or part, or any reproduction of a precinct register or list, shall not permit  
39 the register or list to be used, bought, sold or otherwise transferred for  
40 any purpose except for uses otherwise authorized by this section. A person  
41 in possession of information derived from voter registration forms or  
42 precinct registers shall not distribute, post or otherwise provide access to  
43 any portion of that information through the internet except as authorized by  
44 subsection J of this section. Nothing in this section shall preclude public  
45 inspection of voter registration records at the office of the county recorder

1 for the purposes prescribed by this section, except that the month and day of  
2 birth date, the social security number or any portion thereof, the driver  
3 license number or nonoperating identification license number, the unique  
4 identifying number prescribed by this section, the Indian census number, the  
5 father's name or mother's maiden name, the state or country of birth and the  
6 records containing a voter's signature shall not be accessible or reproduced  
7 by any person other than the voter, by an authorized government official in  
8 the scope of the official's duties, for signature verification on petitions  
9 and candidate filings, for election purposes and for news gathering purposes  
10 by a person engaged in newspaper, radio, television or reportorial work, or  
11 connected with or employed by a newspaper, radio or television station or  
12 pursuant to a court order. A person who violates this subsection or  
13 subsection E of this section is guilty of a class 6 felony.

14 G. The county recorder shall count the registered voters by political  
15 party by precinct, legislative district and congressional district as  
16 follows:

17 1. In even numbered years, the county recorder shall count all persons  
18 who are registered to vote as of:

19 (a) January 1.

20 (b) March 1.

21 (c) JUNE 1.

22 ~~(e)~~ (d) The last day on which a person may register to be eligible to  
23 vote in the next primary election.

24 ~~(d)~~ (e) The last day on which a person may register to be eligible to  
25 vote in the next general election.

26 ~~(e)~~ (f) The last day on which a person may register to be eligible to  
27 vote in the next presidential preference election.

28 2. In odd numbered years, the county recorder shall count all persons  
29 who are registered to vote as of:

30 (a) January 1.

31 (b) April 1.

32 (c) July 1.

33 (d) October 1.

34 H. The county recorder shall report the totals to the secretary of  
35 state as soon as is practicable following each of the dates prescribed in  
36 subsection G of this section. The report shall include completed  
37 registration forms returned in accordance with section 16-134, subsection  
38 B. The county recorder shall also provide the report in a uniform electronic  
39 computer media format that shall be agreed upon between the secretary of  
40 state and all county recorders. The secretary of state shall then prepare a  
41 summary report for the state and shall maintain that report as a permanent  
42 record.

1 I. The county recorder and the secretary of state shall protect access  
2 to voter registration information in an auditable format and method specified  
3 in the secretary of state's electronic voting system instructions and  
4 procedures manual that is adopted pursuant to section 16-452.

5 J. The secretary of state shall develop and administer a statewide  
6 database of voter registration information that contains the name and  
7 registration information of every registered voter in this state. The  
8 database shall include an identifier that is unique for each individual  
9 voter. The database shall provide for access by voter registration officials  
10 and shall allow expedited entry of voter registration information after it is  
11 received by county recorders. As a part of the statewide voter registration  
12 database, county recorders shall provide for the electronic transmittal of  
13 that information to the secretary of state on a daily basis. The secretary  
14 of state shall provide for maintenance of the database, including provisions  
15 regarding removal of ineligible voters that are consistent with the national  
16 voter registration act of 1993 (42 United States Code section 394) and the  
17 help America vote act of 2002 (P.L. 107-252), provisions regarding removal of  
18 duplicate registrations and provisions to ensure that eligible voters are not  
19 removed in error.

20 K. For requests for the use of registration forms and access to  
21 information as provided in subsections E and F of this section, the county  
22 recorder shall receive and respond to requests regarding federal, state and  
23 county elections.

24 L. FOR MUNICIPAL REGISTRATION INFORMATION IN THOSE MUNICIPALITIES IN  
25 WHICH THE COUNTY ADMINISTERS THE MUNICIPAL ELECTIONS, COUNTY AND STATE PARTY  
26 CHAIRMEN SHALL REQUEST AND OBTAIN VOTER REGISTRATION INFORMATION AND PRECINCT  
27 LISTS FROM THE CITY OR TOWN CLERK DURING THE TIME PERIODS PRESCRIBED IN  
28 SUBSECTION C OR D OF THIS SECTION. IF THE CITY OR TOWN CLERK DOES NOT  
29 PROVIDE THAT INFORMATION WITHIN THE SAME TIME PRESCRIBED FOR COUNTY RECORDERS  
30 PURSUANT TO SUBSECTION C OR D OF THIS SECTION, THE COUNTY OR STATE PARTY  
31 CHAIRMAN MAY REQUEST AND OBTAIN THE INFORMATION FROM THE COUNTY RECORDER.  
32 THE COUNTY RECORDER SHALL PROVIDE THE MUNICIPAL VOTER REGISTRATION AND  
33 PRECINCT LISTS WITHIN THE TIME PRESCRIBED IN SUBSECTION C OR D OF THIS  
34 SECTION.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.